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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/744,874	03/26/2001	Noel Roger Wakelin	1029.65160	8699

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EXAMINER

LOPEZ, MICHELLE

ART UNIT PAPER NUMBER

3721

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/744,874

Applicant(s)

WAKELIN ET AL.

Examiner

Michelle Lopez

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7, 10 and 11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7, 10, 11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the amendment filed on June 10, 2004.
2. Claims 6, 8, and 9 have been canceled.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fox (5,598,892) in view of Causey et al. (4,207,675).

With respect to claim 1, Fox shows a handle for attaching to a trigger operated hand tool 12 wherein the handle includes a shaft 22 adapted so as to be attachable at one end to the hand tool 12, a hand grip 60 located at the other end of the shaft, a trigger activator as a trigger lever 62 positioned near the hand grip capable of being operatively connected to the trigger 20 associated with the hand tool, and the hand grip is angled with respect to the longitudinal axis of the shaft to allow the handle to be easily gripped by a person's hand and wherein the hand grip includes a second hand grip 52 positioned on the shaft at a point intermediate to the two ends of the shaft as seen in Figure 1 of Fox; wherein the trigger activator 62 controls the trigger lever to operate the trigger 20 associated with the hand tool 12.

Fox does not explicitly show a second hand grip being slidable along the length of the shaft and selectively detachable along the shaft.

However, Causey et al. shows a second hand grip 84 being slidable along the length of the shaft and selectively detachable along the shaft for the purpose of providing convenience and comfort to the operator as in column 6, lines 25-40.

Therefore, it would have been obvious to one having ordinary skill in the art to provide a slidable feature in order to provide convenience and comfort to an operator.

With respect to claim 2, Fox shows wherein the trigger operated hand tool is motorized as described in column 1, lines 4-7.

With respect to claim 3, Fox shows wherein the trigger operated hand tool is a nail gun as described in column 1, lines 4-7.

With respect to claim 4, Fox discloses the claimed invention except for a shaft is substantially a length of 50 cm to 70 cm. It would have been obvious to one having ordinary skill in the art at the time the invention was made to find the optimum range for a shaft, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. In re Aller, 105 USPQ 233.

With respect to claim 5, Fox shows wherein the shaft includes a clamp 40 at one end thereof capable of holding a nail gun.

With respect to claim 6, Fox discloses the invention substantially as claimed but does not show wherein the trigger activator is in the form of a button or switch.

However, Causey et al. teaches the use of a trigger activator this is in the form of a button or switch as seen in Figure 1 and 3, and also shows wherein the trigger activator is electrically

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connected to the trigger mechanism of the hand tool (as in claim 8), wherein the trigger activator is electrically connected to the electric device configured to be capable of operating the trigger associated with the hand tool (as in claim 9) for the purpose of controlling the flow of power to operate the hand tool as in column 6, lines 6-25.

Therefore, it would have been obvious to one having ordinary skill in the art to provide Fox with a switch or button instead of a lever to control power in a tool.

Furthermore, applicant has stated in the remarks portion of paper no. 10, page 7, line 1, "Anyone of ordinary skill, based on the specification as filed would know to place the button switch near the grip in similar fashion to the lever. Furthermore, the conversion of electrical to mechanical energy is common in the mechanical arts, as is exemplified by solenoids, which are widely used in many applications. The disposition of the electrical device relative to the tool is also easily within the knowledge of one of ordinary skill, as the device needs to be positioned in operational relationship to the trigger."

4. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fox (5,598,892) in view Causey et al. (4,207,675) and further in view of Swiderski, Jr. et al. (4,147,220).

Fox discloses the invention substantially as claimed including wherein a cable 64 is attached at its opposite to a trigger lever which is pivoted via the relative shortening or lengthening of the cable, to control activation of the trigger associated with the hand tool (as in claim 11), and wherein one end connected to the lever such that pivoting of the lever causes the relative length of the cable to increase or decrease for the purpose of controlling activation of the

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trigger associated with the hand tool as in claim 10) but does not specifically show a cable to control activation of the trigger associated with the nail gun.

However, Swiderski, Jr. et al. teaches the use of a cable 16 to control activation of the trigger associated with the nail gun for the purpose transmitting force in substantially the same way as does the human finger as in column 1, line 31.

Therefore, it would have been obvious to one having ordinary skill in the art to provide a cable in order to actuate a power tool at a removed distance for transmitting a power tool at a removed distance for transmitting a force.

Response to Arguments

5. Applicant's arguments have been fully considered but they are not deemed persuasive. Applicant contends that none of the references disclose a dual lever system with a pivoted trigger lever.

However, Examiner asserts that Fox discloses a dual lever system with a pivoted trigger lever, wherein a cable 64 is attached at a opposite end of the hand tool 12 to a trigger lever 62 which is pivoted via the cable and control activation of the hand tool trigger 20.

6. For the reasons above, the ground of rejections are deemed proper.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

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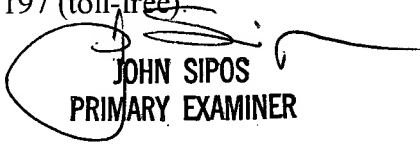
the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michelle Lopez whose telephone number is 571-272-4464. The examiner can normally be reached on Monday - Thursday: 8:00 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


JOHN SIPOS
PRIMARY EXAMINER

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